

ASSISTANT COMMISSIONER FOR PATENTS
Washington, DC 20231In re application of: Ronald B. MILLER *et al.*
Serial No.: 09/800,204
Filed: March 6, 2001
For: **Controlled Release Formulation**

Sir:

Transmitted herewith is a **Response to Restriction Requirement and Preliminary Amendment** in the above-identified application.

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TECH CENTER 1600/2900

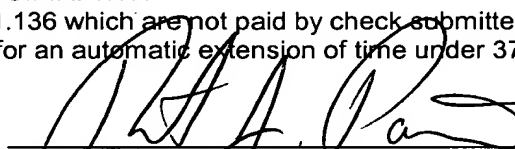
- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.
☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.
☐ No fee for additional claims is required.
☒ A filing fee for additional claims calculated as shown below, is required:

FOR:	(Col. 1)		(Col. 2)		SMALL ENTITY		OR	LARGE ENTITY	
	REMAINING	HIGHEST	PREVIOUSLY	PRESENT	RATE	FEE		RATE	FEE
	AFTER			AMENDMENT	PAID FOR		EXTRA		
TOTAL CLAIMS	22 Minus 20	=	2		x \$ 9	\$		x \$ 18	\$36.00
INDEP. CLAIMS	2 Minus 3	=	0		x \$ 40	\$		x \$ 80	\$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ \$135	\$		+ \$270	\$

TOTAL: \$ OR TOTAL: \$36.00

- * If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

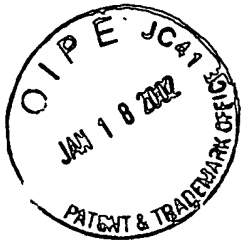
- ☐ Also transmitted herewith are:
☐ Petition for extension under 37 C.F.R. 1.136 (in duplicate)
☐ Other:
- ☒ Check(s) in the amount of **\$36.00** is/are attached to cover:
☒ Filing fee for additional claims under 37 C.F.R. 1.16
☐ Petition fee for extension under 37 C.F.R. 1.136
☐ Other:
- ☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
☒ Any patent application processing fees under 37 C.F.R. 1.17.
☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.


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I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service with sufficient postage as "first class mail" in an envelope addressed to "Assistant Commissioner for Patents, Washington, D.C. 20231" on December 21, 2001.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY 



222.94213.CON2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: Ronald B. MILLER, et al.
Serial No.: 09/800,204
Filed: March 6, 2001
For: CONTROLLED RELEASE TRAMADOL

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RESPONSE TO RESTRICTION REQUIREMENT
AND PRELIMINARY AMENDMENT

#5/00
2/12/02
MELU

Assistant Commissioner for Patents
Washington, D.C. 20231

December 21, 2001

Dear Sirs:

In response to the Restriction requirement dated August 21, 2001, Applicants respond as follows:

Remarks

In the Office Action dated August 21, 2001, the Examiner indicated that the inventions listed as Groups I and II are distinct because "inventions I and II are related as process of making and product made... the process as claimed can be used to make other and materially different product... [therefore] restriction for examination purposes as indicated is proper."

In response to the Examiner's restriction requirement, Applicants elect claims 1-19 (Group I) directed to compositions of tramadol without traverse. This election is made without prejudice to pursuing Group II in a continuation application. Further, the Examiner is respectfully requested to enter the following amendment prior to examination.

01/24/2002 SDENBOR1 00000110 09800204

01 FC:103 36.00 OP

02/12/2002 WILLIAMS1 00000003 500552 09300204

01 FC:117 920.00 CH